

Exhibit 1

Page 1

ARBITRATION BEFORE JAMS

BUNGIE, INC.,)	
)	
Claimant,)	
)	
v.)	No. 5160000075
)	
AIMJUNKIES.COM; PHOENIX)	
DIGITAL GROUP LLC; DAVID)	
SCHAEFER; JORDAN GREEN;)	
JEFFERY CONWAY; and JAMES MAY,)	
)	
Respondents.)	

ARBITRATION PROCEEDINGS

BEFORE THE HONORABLE RONALD E. COX (RET)

8:03 A.M.

December 19, 2022

(All participants appeared via videoconference.)

LAURA GJUKA, CCR #2057

JOB NO.: 940668-B

1 REMOTE APPEARANCES

2

FOR THE CLAIMANT (via videoconference):

3

WILLIAM RAVA

4

JACOB P. DINI

PERKINS COIE, LLP

5

1201 THIRD AVENUE, SUITE 4900

SEATTLE, WA 98101-3099

6

JDini@perkinscoie.com

WRava@perkinscoie.com

7

8 FOR THE RESPONDENTS (via videoconference):

9

PHILIP P. MANN

MANN LAW GROUP, PLLC

10

403 Madison Avenue North, Suite 240

Bainbridge Island, WA 98110

11

phil@mannlawgroup.com

12

MODERATOR:

13

SARAH ANDERSON

14

ALSO PRESENT:

15

DAVID SCHAEFER

16

JAMES MAY

JORDAN GREEN

17

HUNTER BLACKBURN

REGINA CAHAN

18

19

20

21

22

23

24

25

1	I N D E X	
2	OPENING ARGUMENT:	PAGE
3	By Mr. Rava.....	5
	By Mr. Mann.....	11
4		
5	EDWARD KAISER, MD	
6	Direct Examination by Mr. Rava.....	20
	Cross-Examination by Mr. Mann.....	143
7		
8	STEVEN GURIS	
9	Direct Examination by Mr. Dini.....	218
	Cross-Examination by Mr. Mann.....	260
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 course.

2 Now, do you recall when I took your
3 deposition on October 4 and October 5 of this year?

4 A. I believe the dates were October 5th and
5 October 6th, but --

6 (Simultaneous speaking.)

7 Q. (BY MR. MANN) Whatever it is. It's written
8 down, but you do recall when I took your depositions?

9 A. Yes.

10 Q. I took the deposition of you both personally and
11 as a corporate representative for Bungie?

12 A. Correct.

13 Q. Do you recall when I asked you to identify all
14 the technological measures that Bungie contends were
15 compromised by Phoenix Digital?

16 MR. RAVA: Object to the form of this
17 question. Those depositions were taken in the federal
18 court litigation. His 30(b)(6) testimony explicitly did
19 not include anything on the DNCA violation.

20 ARBITRATOR COX: On the basis of the
21 representations, I'll sustain the objection.

22 Ask another question.

23 Q. (BY MR. MANN) Okay. Let me put up Exhibit
24 BX100. Okay. Dr. Kaiser, do you have that document in
25 front of you?

1 C E R T I F I C A T E

2 STATE OF WASHINGTON)

)

3 COUNTY OF PIERCE)

4 I, the undersigned Washington Certified Court
Reporter, pursuant to RCW 5.28.010 authorized to
administer oaths and affirmations in and for the State
5 of Washington, do hereby certify:

6 That the annexed and foregoing deposition
consisting of pages 1 through 280 of the testimony of
7 each witness named herein was taken stenographically
before me and reduced to typed format under my
8 direction;

9 I further certify that according to CR 30(e) the
witness was given the opportunity to examine, read and
10 sign the deposition after the same was transcribed,
unless indicated in the record that the review was
11 waived;

12 I further certify that all objections made at the
time of said examination to my qualifications or the
13 manner of taking the deposition or to the conduct of any
party have been noted by me upon each said deposition;

14 I further certify that I am not a relative or
15 employee of any such attorney or counsel, and that I am
16 not financially interested in the said action or the
outcome thereof;

17 I further certify that each witness before
18 examination was by me duly sworn to testify the truth,
the whole truth and nothing but the truth.

19 I further certify that the deposition, as
20 transcribed, is a full, true and correct transcript of
the testimony, including questions and answers, and all
21 objections, motions, and exceptions of counsel made and
taken at the time of the foregoing examination and was
22 prepared pursuant to Washington Administrative Code
308-14-135, the transcript preparation format
23 guidelines;

24 I further certify that I am sealing the
deposition in an envelope with the title of the above
25 cause and name of the witness visible, and I am

Page 282

1 delivering the same to the appropriate authority;

2 I further advise you that as a matter of firm
policy, the Stenographic notes of this transcript will
3 be destroyed three years from the date appearing on this
Certificate unless notice is received otherwise from any
4 party or counsel thereto on or before said date;

5 IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal this 11th day of April 2023.

6

7

8

9

LAURA GJUKA, CCR

10 Washington State Certified Court
Reporter License No. 2057

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25